

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 78-25

ORDER REQUIRING UNION SANITARY DISTRICT TO CEASE AND  
DESIST FROM DISCHARGING WASTES FROM THEIR NEWARK PLANT  
CONTRARY TO REQUIREMENTS AND TIME SCHEDULES PRESCRIBED  
BY THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD,  
SAN FRANCISCO BAY REGION

I. FINDINGS

The California Regional Water Quality Control Board, San Francisco Bay  
Regionk finds that:

- A. On June 21, 1977, the Regional Board adopted Order No. 77-78 (NPDES  
No. CA0037605) prescribing waste discharge requirements for the  
discharge by Union Sanitary District hereinafter referred to as the  
discharger, from their Newark Plant.
- B. On June 21, 1977, the Regional Board adopted Order No. 77-79, an  
Enforcement Order for Issuance of a Time Schedule.
- C. The requirements of Order No. 77-78 provide, in part, as follows:

"A. Prohibitions

...

3. Discharge of waste at any point where it does not receive a  
minimum initial dilution of 10:1 is prohibited.
4. Discharge to San Francisco Bay, south of Dumbarton Bridge  
or tributaries thereto is prohibited.

...

B. Effluent Limitations

1. Effluent discharged shall not exceed the following limits:

<u>Constituent</u>	<u>Units</u>	<u>30-Day Average</u>	<u>7-Day Average</u>	<u>Daily Maximum</u>	<u>Instantaneous Maximum</u>
a. Chlorine Residual	mg/l	-	-	-	0.0
b. Biochemical Oxygen Demand	mg/l lbs/day kgs/day	30 1130 515	45 1690 770	60 2255 1021	-
c. Suspended Solids	mg/l lbs/day kgs/day	30 1130 515	45 1690 770	60 2255 1021	-
d. Settleable Matter	ml/l-hr	0.1	-	-	0.2
e. Grease & Oil	mg/l lbs/day kg/day	10 585 265	- - -	20 1170 530	- - -

2. The arithmetic mean of the biochemical oxygen demand (5-day, 20°C) and suspended solids values, by weight, for effluent samples collected in a period of 30 consecutive calendar days shall not exceed 15 percent of the arithmetic mean of the respective values, by weight, for influent samples collected at approximately the same times during the same period (i.e. 85 percent removal).

...

5. In any representative set of samples, the waste as discharged shall meet the following limit of quality:

TOXICITY: The survival of a test organism acceptable to this Regional Board in 96-hour bioassays of the effluent as discharged shall achieve a median of 90% survival for three consecutive samples and a 90 percentile value of not less than 70% survival for 10 consecutive samples.

...

7. The total coliform bacteria for a median of five consecutive effluent samples shall not exceed 240 per 100 milliliters. Any single sample shall not exceed a most probable number (MPN) of 10,000 total coliform bacteria when verified by a repeat sample taken within 48 hours.

C. Receiving Water Limitations

1. The discharge of waste shall not cause the following conditions to exist in waters of the State at any place.

a. Floating, suspended, or deposited macroscopic particulate matter or foam;

...

c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;

...

e. Toxic or other deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge of waste shall not cause the following limits to be exceeded in waters of the State in any place within one foot of the water surface:

a. Dissolved oxygen      5.0 mg/l minimum. Annual median - 80% saturation. When natural factors cause lesser concentrations than specified above, then discharge shall not cause further reduction in the concentration of dissolved oxygen.

...

c. pH      Variation from natural ambient pH by more than 0.2 pH units.

d. Ammonia (as N)      Annual median: 0.025 mg/l  
(un-ionized)      Maximum at any time 0.4 mg/l

...

D. Provisions

...

4. The discharge shall comply with the following time schedule to assure compliance with Effluent Limitation B.1. (d) (e), of this Order:

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
Full compliance	July 1, 1977	July 15, 1977 "

D. The requirements of Enforcement Order No. 77-79 provide, in part, as follows:

"... Union Sanitary District, Newark Plant, shall comply with Provision D.4. of Order No. 77-78 in accordance with the following schedule:

<u>1. Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
a. Submission of 100% complete plans & specifications for pump station	August 1, 1977	August 15, 1977

<u>1. Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
b. Submission of 100% complete plans & specifications for force-main between Newark and Alvarado	September 1, 1977	September 15, 1977
c. Status report: Bidding process for pump station and force-main	May 1, 1978	May 15, 1978
d. Award of contract for pump station and force-main	November 1, 1978	November 15, 1978
e. Status report: Construction	August 1, 1979	August 15, 1979
f. Complete construction of force-main between Newark and Alvarado	June 1, 1980	June 15, 1980
g. Complete pump station, commence discharge to interceptor and achieve full compliance	November 1, 1980	November 15, 1980"

- E. Reports from the discharger and Regional Board inspections indicate that the discharger is in violation of, or is threatening to violate the requirements listed in Finding C and the time schedule in Finding D of this Order.
- F. Starting at 9:30 a.m. on Friday, April 7, 1978, in the Assembly Room, State Building, 1111 Jackson Street, Oakland, after due notice to the discharger and other affected persons, a hearing panel of the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- G. Upon the basis of the evidence received, the hearing panel recommended that the Regional Board issue a Cease and Desist Order against the discharger requiring that he comply with the aforesaid requirements immediately and in accord with a time schedule. The Regional Board has independently reviewed the record of the hearing.
- H. The discharger is violating and threatening to violate the requirements listed in Finding C and the time schedule in Finding D of this Order.

II. IT IS HEREBY ORDERED THAT:

- A. The discharger cease and desist from discharging wastes contrary to the requirements listed in Finding C and the time schedule in Finding D of this Order.
- B. The discharger shall comply with the following limitations of Board Order No. 77-78; Effluent Chlorine Residual (B.1.a), and Effluent Total Coliform (B.7.), by July 18, 1978.
- C. The discharger shall comply with Provision D.4. for Prohibition A.3., A.4., Effluent Limitations B.1.(b) (c) (d) (e), B.2., B.5., Receiving Water Limitations C.1.(a) (c) and C.2.(a) (c) (d) of Order No. 77-78 according to the following time schedule:

<u>Task</u>	<u>Compliance Date</u>	<u>Report of Compliance Date</u>
1. Status report: Bidding process for pump station and force-main	June 1, 1978	June 15, 1978
2. Award of contract for pump station and force-main	November 1, 1978	November 15, 1978
3. Status report: Construction	August 1, 1979	August 15, 1979
4. Complete construction of force-main between Newark and Alvarado	August 1, 1980	August 15, 1980
5. Complete pump station, commence discharge to interceptor and achieve full compliance	January 1, 1981	January 15, 1981

- D. The Board may consider the rescission of this Cease and Desist Order upon achievement and completion of all the following tasks.

- 1. Demonstration of consistent compliance with the effluent limitations II. B, above.
- 2. Commencement of construction of the consolidated treatment plant.
- 3. Demonstration that compliance with all other limitations has not deteriorated.

- E. The Union Sanitary District is required to submit to the Regional Board by the first day of every month, beginning May 1, 1978 a report, under penalty of perjury, on progress toward compliance with this Order. If noncompliance or threatened noncompliance is reported, the reasons for noncompliance and an estimated compliance date shall be provided.
- F. This Board's Order No. 77-79 is hereby rescinded.
- G. If the Executive Officer finds that the discharger has failed to comply with the provisions of this Order, he is authorized, after approval of the Board Chairman, to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.
- H. If the Executive Officer determines that the provisions of this Order are violated and does not refer the matter to the Attorney General, he is instructed to report to the Board the reasons that the discharger has been unable to comply with the provisions of this Order.

I, Fred H. Dierker, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on April 18, 1978.

FRED H. DIERKER  
Executive Officer